

**ORDER NO. 78533**

IN THE MATTER OF THE APPLICATION  
OF MIRANT MID-ATLANTIC, LLC FOR  
AUTHORITY TO PERFORM A TEST BURN  
OF SYNTHETIC FUEL.

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BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF MARYLAND

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CASE NO. 8953

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On June 6, 2003, the Hearing Examiner issued a Proposed Order granting Mirant Mid-Atlantic, LLC ("Mirant" or "Applicant") authority to burn synthetic fuel at its Chalk Point Generating Station. Mirant had sought that authority because Section 7-205 of the Public Utility Companies Article prohibits modification to a power plant, including a change in the fuel used by the plant, that could result in a change in the air emission from the plant, without the prior approval of the Public Service Commission ("Commission"). Prior to issuance of the Proposed Order, Mirant conducted a test burn of the synthetic fuel to be used at the Chalk Point facility and submitted to the Hearing Examiner a report of the test burn results. The Hearing Examiner, after a review of the report, and in the absence of any objections to the test burn results, concluded that the burning of synthetic fuel did not result in a change in the air emissions from the plant; and its use was not a modification within the meaning of Section 7-205(a)(1) that would require a Certificate of Public Convenience and Necessity from the Commission.

The Commission has reviewed the Proposed Order and will adopt it as the Order of the Commission in this case. The synthetic fuel reviewed in the Proposed Order is identified as

being the same as the synthetic fuel previously authorized by this Commission for use by Mirant at its Morgantown Generation Station (see, Case No. 8901). Consequently, in adopting this Proposed Order, the Commission is granting authority for the use of synthetic fuel matching the analysis of the fuel authorized for use at the Morgantown facility. Thus, the determination is made for use of this synthetic fuel and no other for the Chalk Point Generating Station. Moreover, the Commission reserves the right, on behalf of itself and other agencies of the State of Maryland, to periodically test the synthetic fuel in use at Chalk Point, or to require Mirant to periodically test such fuel to ensure that the synthetic fuel burned is the "Morgantown fuel." The Commission, or other agencies of the State of Maryland, may review the testing conducted by Mirant.

IT IS, THEREFORE, this 24th day of June, in the year Two Thousand Three,

ORDERED: That the Proposed Order is adopted as the final Order in this proceeding with the above-described modification concerning testing.

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Commissioners